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PATENT APPLICATION
Serial No. 10/032,803
Atty. Docket No. 28-011564

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Harry P. FINKE et al.

Serial No. 10/032,8

Filed August 29, 2001

08/29/2002 MBIZUNES 00000046 10032803

05 FC:122

130.00 OP

**BURNER FOR NON-SYMMETRICAL
COMBUSTION AND METHOD**

Pittsburgh, Pennsylvania
August 21, 2002

**PETITION IN SUPPORT OF FILING
ON BEHALF OF NON-SIGNING INVENTOR (37 CFR § 1.47)**

Commissioner of Patents
Washington, D.C. 20231

Sir:

Harry P. Finke, joint inventor of new and useful improvements in a "Burner For Non-Symmetrical Combustion And Method" for which a patent application was filed in the United States Patent and Trademark Office on December 28, 2001, which is a continuation-in-part of United States Patent Application Serial No. 09/744,845, filed August 29, 2001, which claims the benefit of United States Provisional Application Serial No. 60/094,607, filed July 30, 1998, has refused to sign the requisite Declaration and Power of Attorney for the above-identified continuation-in-part application.

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OFFICE OF PETITIONS

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231 on August 21, 2002.

Polly J. Moyles
(Name of Person Mailing Papers)

Signature

Date

Polly J. Moyles 8/21/02

The assignee and the attorneys on the instant application made diligent effort to secure the execution of the Declaration by the non-signing inventor for the above-identified patent application before deposit of the instant Petition in the United States Patent and Trademark Office.

This statement is being made by a person having first-hand knowledge of the facts recited therein.

IDENTIFICATION OF PERSON MAKING THIS STATEMENT OF FACTS

John W. McIlvaine, Registration No. 34,219
Webb Ziesenhein Logsdon Orkin & Hanson, P.C.
700 Koppers Building
436 Seventh Avenue
Pittsburgh, PA 15219-1818

LAST KNOWN ADDRESS OF THE NON-SIGNING INVENTOR

Harry P. Finke
1306 Old Meadow Road
Pittsburgh, PA 15241

DETAILS OF REFUSAL OF NON-SIGNING INVENTOR TO SIGN APPLICATION PAPERS

A bona-fide attempt was made to have Harry P. Finke, the non-signing inventor, sign the Power of Attorney (POA) and Declaration documents in regard to the above-identified application. The refusal is evidenced by the conduct as a whole of the non-signing inventor, as follows:

On January 2002, Applicant, Bloom Engineering Company, Inc., requested the signatures of its employee inventors for POA and Declaration document purposes, relating to the inventors' new and useful improvements in a "Burner For Non-Symmetrical Combustion And Method" for which a patent application was filed in the United States Patent and Trademark

Office on December 28, 2001, which is a continuation-in-part of United States Patent Application Serial No. 09/744,845, filed August 29, 2001, which claims the benefit of United States Provisional Application Serial No. 60/094,607, filed July 30, 1998. (See attached Schalles Letter).

All inventors but Mr. Finke (now retired), signed the POA and Declaration documents. Mr. Finke's January 27, 2002 objection to signing the POA and Declaration documents was based on the notion that he required monetary compensation from Applicant, due to the "valuable time [required for him] to review and understand the contract." (See attached Finke letter).

Mr. Finke, during his time of employment with Applicant, by means of an Assignment dated September 21, 1998, acknowledged that he had received "good and valuable consideration" in exchange for the Assignment, and agreed to "sign all lawful papers, [and] execute all...continuation-in-part applications" stemming from United States Provisional Application Serial No. 60/094,607. (See attached Assignment)

Patent counsel for Applicant wrote a letter to Mr. Finke, dated March 4, 2002, informing him of his contractual obligation, reiterating Applicant's request to execute the POA and Declaration, and providing him with a duplicate copy of the POA and Declaration and a self-addressed stamped envelope. (See attached Patent Counsel Letter #1)

Patent counsel for Applicant sent yet another letter to Mr. Finke, dated June 17, 2002. (See attached Patent Counsel Letter #2) As of this writing, neither Applicant nor patent counsel for Applicant have received any response from Mr. Finke.

No correspondence to Mr. Finke was ever returned by the U.S. Post Office as undeliverable, so it must be presumed that all three letters were duly delivered to Mr. Finke.

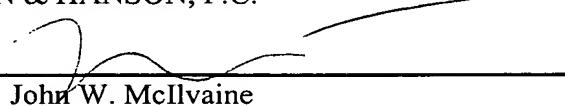
The three signing inventors are signing on behalf of themselves and on behalf of the omitted inventor, as evidenced by the Joint Declaration submitted contemporaneously herewith. A copy of the Joint Declaration, filed August 21, 2000, is attached hereto for convenience.

Early and favorable action on this Petition is requested.

Respectfully submitted,

WEBB ZIESENHEIM LOGSDON
ORKIN & HANSON, P.C.

By _____


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